

HOUSE BILL 3987  
By McMillan

AN ACT to amend Tennessee Code Annotated,  
Section 39-16-201, relative to the offense  
of introduction or possession of contraband  
in a penal institution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-201, is amended by adding the following new subdivisions at the end of subsection (a):

- (3) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any telecommunication device.

SECTION 2. Tennessee Code Annotated, Section 39-16-201, is further amended by deleting subsection (b) in its entirety and substituting in its place the following:

- (b) A violation of subdivision (a)(1) or (a)(2) is a Class C felony. A violation of subdivision (a)(3) is a Class E felony.

SECTION 3. Tennessee Code Annotated, Section 39-16-201, is further amended by adding the following as a new subsection:

- (c) As used in this section, "telecommunication device" means any type of instrument, device machine, or equipment which is capable of transmitting telephonic, electronic, digital, cellular or radio communications or any part of such instrument, device, machine or equipment which is capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio communications. The term shall include, but not be limited to, cellular phones, digital phones and modem equipment devices.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.